

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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CORRECTION OFFICERS' BENEVOLENT  
ASSOCIATION, INC., TIFFANI DUBLIN,  
individually and on behalf of all others similarly  
situated, ANTHONY ROMANO, individually and on  
behalf of all others similarly situated, MATTHEW  
HINES, individually and on behalf of all others  
similarly situated, FRANCIS CASTRO, individually  
and on behalf of all others similarly situated, and  
JOHN and JANE DOES 1 - 2,000,

**NOTICE OF MOTION**

17 Civ. 2899 (LTS)(JCF)

Plaintiffs,

-against-

THE CITY OF NEW YORK, MAYOR BILL  
DEBLASIO, NEW YORK CITY DEPARTMENT OF  
CORRECTION, and COMMISSIONER JOSEPH  
PONTE,

Defendants.

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**PLEASE TAKE NOTICE**, that upon the declaration of **ALAN M. SCHLESINGER**, dated June 30, 2017, and the exhibits annexed thereto, defendants' memorandum of law in support of the motion to dismiss, dated June 30, 2017, and all prior papers and proceedings had herein, defendants will move this Court, before the Honorable Laura Taylor Swain,, United States District Judge, Southern District of New York, at the Courthouse thereof, 500 Pearl Street, New York, NY 10007-1312, at a date and time convenient to the Court, for an order, pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, dismissing the complaint in its entirety on the ground that the complaint fails to state a claim upon which relief can be granted, that judgment be entered for defendants and

that defendants be granted costs, fees, and disbursements, together with such other and further relief as the Court deems just and proper.

**PLEASE TAKE FURTHER NOTICE** that pursuant to Section (A)(2)(b)(ii) of the Court's Individual Rules, defendants have made best efforts to resolve the controversies raised in this action and have discussed the arguments articulated in this motion with counsel for plaintiff, including in a letter dated June 8, 2017, a plaintiffs' letter, dated June 15, 2017, and during a telephone call on June 21, 2017. The parties are unable to resolve the controversies in dispute without resort to the instant motion practice.

**PLEASE TAKE FURTHER NOTICE**, that pursuant to Rule 12 of the Federal Rules of Civil Procedure, in the event that this motion is denied, in whole or in part, Defendants respectfully request 20 days from docketing of the order denying the motion to answer the amended complaint.

Dated: New York, New York  
June 30, 2017

**ZACHARY W. CARTER**  
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City of New York  
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By: /s/ Alan Maer Schlesinger

Alan M. Schlesinger  
Assistant Corporation Counsel  
AS-2673

To: **KOEHLER & ISAACS, LLP**  
Attorneys for Plaintiffs  
61 Broadway  
New York, NY 10006

Att: Cynthia Devasia  
(By ECF)

17 Civ. 2899 (LTS)(JCF)

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

CORRECTION OFFICERS' BENEVOLENT  
ASSOCIATION, INC., et al.,

Plaintiffs,

- against -

THE CITY OF NEW YORK, et al.,

Defendants.

**DEFENDANTS' MOTION TO DISMISS**

**ZACHARY W. CARTER**

*Corporation Counsel of the City of New York*

Attorney for Defendants

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Of Counsel: Alan M. Schlesinger

Tel.: (212) 356-2628

[aschlesi@law.nyc.gov](mailto:aschlesi@law.nyc.gov)

Our No. 2017-018199

*Service of which is hereby acknowledged:*

....., N.Y. Dated: ..... 2017

Signed: .....

Print Name: .....

Attorney for: .....